

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**IN RE: INSULIN PRICING
LITIGATION**

Case No. 2:23-md-3080 (BRM)(RLS)

MDL No. 3080

THIS DOCUMENT RELATES TO: All Tracks

**DECLARATION OF SAM ROSE IN SUPPORT OF
EMISAR PHARMA SERVICES LLC’S MOTION TO SEAL**

I, Sam Rose, hereby declare as follows:

1. I am in-house counsel for defendant Eli Lilly and Company (“Lilly”), licensed to practice law in the State of Illinois.
2. On behalf of Lilly, I submit this Declaration in support of Emisar Pharma Services LLC’s (“Emisar”) Motion to Seal. I have personal knowledge of the matters contained herein and, if called upon to do so, could testify competently to their truth.
3. Attached hereto as Exhibit 9 is a true and correct copy of an email thread produced in this case with Bates number LLY-Insulin-MDL-01329737, which has been redacted solely to protect the mobile phone number of a Lilly employee from public disclosure.
4. I believe that Lilly and the employee both have a significant interest in keeping such personal identifying information under seal. *See, e.g., Bah v. Apple*

Inc., 2021 WL 4272829, at *3 (D.N.J. Sept. 21, 2021) (granting motion to seal “personal identifying information,” including phone numbers, and explaining that “the public has no interest in [such] information”). I am not aware of another method to protect the confidentiality of the employee’s mobile phone number other than by redacting the portion of the document that includes that information.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 19, 2025 at Chicago, Illinois.

/s/ Sam Rose

Sam Rose

EXHIBIT 9

Message

From: Scott W Morrett [scott.morrett@lilly.com]
Sent: 12/20/2022 3:34:14 PM
To: Joanne C Sellner [sellner_joanne_c@lilly.com]; Shane A Tolliver [tolliver_shane_allen@lilly.com]; Morgan Galbreth [galbreth_morgan@lilly.com]
Subject: FW: [EXTERNAL] Emisar LLY Amendment 2: LLY Response
Attachments: Emisar Response Lilly CM Rebate 2nd Amendment - to Company 12-20-22.docx; 1.02 Eli Lilly - 00903654.0 - Emisar CM Rebate 2nd Amendment - Final - Effective 1-1-2023.docx

Hi Joanne/Shane,

The documents the customer attached have been reviewed and are approved for signatures. Feel free to give them the green light to begin routing the final document attached for signatures.

You can ask them to set me as the "approver" to review the document before it goes to Joanne/Gary. Morgan will do the final reviews beginning in the new year.

Thanks,

Scott

From: Smith, Magally O <magally.smith@optum.com>
Sent: Tuesday, December 20, 2022 3:09 PM
To: Joanne C Sellner <sellner_joanne_c@lilly.com>
Cc: Shane A Tolliver <tolliver_shane_allen@lilly.com>; Scott W Morrett <scott.morrett@lilly.com>; Yanez, Angela C <angela.yanez@optum.com>; Earnest, Rob <Rob.Earnest@optum.com>
Subject: [EXTERNAL] Emisar LLY Amendment 2: LLY Response

EXTERNAL EMAIL: Use caution before replying, clicking links, and opening attachments.

Hi Joanne,

Attached please find our response! Please review and let us know if our minor changes are acceptable so we can begin our internal signature process with the attached final version.

Thanks,

Magally

Magally O. Smith
Associate Director, Contracts/Industry Relations

2300 Main, MailStop CA134-0509, Irvine, CA 92614
T +1 949-988-6146

Magally.smith@optum.com

From: Joanne C Sellner <sellner_joanne_c@lilly.com>
Sent: Friday, December 16, 2022 1:27 PM
To: Yanez, Angela C <angela.yanez@optum.com>; Smith, Magally O <magally.smith@optum.com>; Earnest, Rob <Rob.Earnest@optum.com>
Cc: Shane A Tolliver <tolliver_shane_allen@lilly.com>; Scott W Morrett <scott.morrett@lilly.com>
Subject: Emisar LLY Amendment 2: LLY Response

confidential contractual information

Please see our response attached.

Regards,

Joanne Sellner

AVP, National Accounts

Lilly USA, LLC

Homebased: San Diego (PT)

[REDACTED] (mobile)

sellner@lilly.com | www.lilly.com



I stand in solidarity against injustice and in support of humanity.

CONFIDENTIALITY NOTICE: This email message (including all attachments) is for the sole use of the intended recipient(s) and may contain confidential information. Any unauthorized review, use, disclosure, copying or distribution is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

This e-mail, including attachments, may include confidential and/or proprietary information, and may be used only by the person or entity to which it is addressed. If the reader of this e-mail is not the intended recipient or intended recipient's authorized agent, the reader is hereby notified that any dissemination, distribution or copying of this e-mail is prohibited. If you have received this e-mail in error, please notify the sender by replying to this message and delete this e-mail immediately.